

AMENDED IN SENATE FEBRUARY 14, 2014

SENATE BILL

No. 895

Introduced by Senator Corbett

January 13, 2014

An act to amend Section 1569.33 of the Health and Safety Code, relating to residential care facilities for the elderly.

LEGISLATIVE COUNSEL'S DIGEST

SB 895, as amended, Corbett. Residential care facilities for the elderly: unannounced visits.

Existing law, the California Residential Care Facilities for the Elderly Act, provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services. Existing law requires that every licensed residential care facility for the elderly be subject to unannounced visits by the department and requires the department to visit these facilities as often as necessary to ensure the quality of care provided, but no less often than once every 5 years. Existing law requires the department to conduct an annual unannounced visit under specified circumstances, including when a license is on probation, and to conduct annual unannounced visits to no less than 20% of the facilities not subject to an evaluation under specified circumstances, as specified. Existing law requires the department to notify the residential care facility for the elderly in writing of all deficiencies and to set a reasonable length of time for compliance by the facility. Existing law requires inspection reports, consultation reports, lists of deficiencies, and plans of correction to be open to public inspection.

This bill would instead require the department to inspect these facilities at least once each year and would authorize the department to

conduct additional unannounced inspections under specified circumstances. The bill would delete the provisions requiring the department to conduct annual unannounced visits to no less than 20% of the facilities and the provisions requiring an unannounced visit no less often than once every 5 years. *The bill would require the department, with each inspection, to evaluate a facility for compliance with all laws and regulations governing residential care facilities for the elderly.* The bill would also require the department to verify that a facility is in compliance no later than 10 days after the notification of deficiencies in compliance and would require inspection reports, consultation reports, lists of deficiencies, and plans of correction to be open to public inspection on the department's Internet Web site or its district offices.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1569.33 of the Health and Safety Code
- 2 is amended to read:
- 3 1569.33. (a) Every licensed residential care facility for the
- 4 elderly shall be subject to unannounced inspections by the
- 5 department. The department shall inspect these facilities at least
- 6 once each year and as often as necessary to ensure the quality of
- 7 care provided. *With each inspection, the department shall evaluate*
- 8 *a facility for compliance with all laws and regulations governing*
- 9 *residential care facilities for the elderly.*
- 10 (b) The department may conduct additional unannounced
- 11 inspections of a facility under any of the following circumstances:
- 12 (1) When a license is on probation.
- 13 (2) When the terms of agreement in a facility compliance plan
- 14 require additional inspections.
- 15 (3) When an accusation against a licensee is pending.
- 16 (4) When a facility requires additional inspections as a condition
- 17 of receiving federal financial participation.
- 18 (5) In order to verify that a person who has been ordered out of
- 19 the facility for the elderly by the department is no longer at the
- 20 facility.
- 21 (c) The department shall notify the residential care facility for
- 22 the elderly in writing of all deficiencies in its compliance with the

1 provisions of this chapter and the rules and regulations adopted
2 pursuant to this chapter, and shall verify that the facility is in
3 compliance no later than 10 days after the notification.

4 (d) Reports on the results of each inspection, evaluation, or
5 consultation shall be kept on file in the department, and all
6 inspection reports, consultation reports, lists of deficiencies, and
7 plans of correction shall be open to public inspection on the
8 department's Internet Web site or its district offices.

9 (e) As a part of the department's evaluation process, the
10 department shall review the plan of operation, training logs, and
11 marketing materials of any residential care facility for the elderly
12 that advertises or promotes special care, special programming, or
13 a special environment for persons with dementia to monitor
14 compliance with Sections 1569.626 and 1569.627.